

रजिस्टर नं० पी० ६७



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, ४ दिसम्बर, १९६८/१३ अप्रैल, १९६०

GOVERNMENT OF HIMACHAL PRADESH

VIDHAN SABHA SECRETARIAT

NOTIFICATION

Simla-4, the 29th November, 1968

No. 1-67/68-VS.—In pursuance of Rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1964, the following Bills as introduced in the Legislative Assembly on

the 29th November, 1968 are hereby published in the Himachal Pradesh Government Gazette:—

1. The Himachal Pradesh State Aid to Industries Bill, 1968 (Bill No. 43 of 1968).
2. The Himachal Pradesh Mechanical Vehicles (Bridge Tolls) Bill, 1968 (Bill No. 48 of 1968).

Bill No. 43 of 1968.

THE HIMACHAL PRADESH STATE AID TO INDUSTRIES
BILL, 1968

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A
BILL

to encourage the development of industries in Himachal Pradesh by the grant of State aid.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Himachal Pradesh State Aid to Industries Act, 1968.

Short title,
extent and
commencement.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions

(1) “Board” means the Board of Industries constituted under section 3 of this Act;

(2) “borrower” means an individual, company or association or body of individuals, whether incorporated or not, to whom or to which State aid has been granted under this Act;

(3) “company” means a company as defined in the Companies Act, 1956;

(4) “Director” means the Director of Industries, Himachal Pradesh and includes any officer authorised by the State Government to perform all or any of the functions of the Director under this Act;

(5) “industry” means any industrial business or enterprise conducted or undertaken either by an individual or by a company, association or body of individuals, whether incorporated or not;

(6) “cottage industry” means any industry carried on by a worker in his home and includes dairy-farming, bee-keeping, lac-making and keeping a poultry farm;

(7) “village industries” means any industry which forms the normal occupation, whether whole-time or part-time, of any class of the rural population of the State;

(8) “machinery” includes plant, apparatus, tools and other appliances required for the purpose of carrying on any industrial operation or process;

(9) “Official Gazette” means Rajpatra, Himachal Pradesh;

(10) “prescribed” means prescribed by rules made under this Act;

(11) “State” means the Union territory of Himachal Pradesh; and

(12) “State Government” means the Government of Himachal Pradesh.

CHAPTER II

ESTABLISHMENT OF BOARD OF INDUSTRIES AND MATTERS CONNECTED THEREWITH

Establishment of Board of Industries.

3. (1) For carrying out the purposes of this Act, the State Government shall, as soon as possible, after the commencement of this Act, establish a Board to be called the "Board of Industries" consisting of the following members, namely:—

- (a) the Chairman to be nominated by the State Government;
- (b) the Director;
- (c) the Managing Director, Himachal Pradesh Financial Corporation;
- (d) three non-official members to be appointed by the State Government; and
- (e) three members to be elected by the Legislative Assembly of Himachal Pradesh from amongst members of the Assembly, election being in accordance with the principle of proportional representation by means of the single transferable vote:

Provided that the Board shall have power to invite for consultation on any particular question before it, not more than three persons specially qualified to advise on the matter in question or having special knowledge of local conditions in the area where the industry in question is situated. Any person so invited by the Board shall not have the right to vote.

- (2) The Director shall be *ex-officio* Secretary of the Board.
- (3) Four members of the Board shall form a quorum.

Procedure in default of election of members.

4. If by such date as may be fixed by the State Government, the Legislative Assembly of Himachal Pradesh does not elect any member to be elected by it under the provisions of clause (e) of section 3(1), the State Government shall appoint a member of that Assembly to be a member of the Board, as if he had been duly elected under that clause.

Vice-Chairman.

5. The Board may, from time to time, elect, for such period as it thinks fit, one of its members to be the Vice-Chairman.

Election or appointments to be notified in the Official Gazette.

6. The names of the Vice-Chairman and of the appointed and elected members of the Board shall be published by the State Government in the Official Gazette.

Term of office.

7. (1) The Vice-Chairman or any other appointed or elected member may resign his office by giving notice in writing to the Chairman.

(2) (a) Subject to the provisions of this Act, an appointed member shall hold office for five years unless the State Government otherwise directs; and an elected member shall hold office for five years or until such time as he ceases to be a member of the body electing him, whichever is shorter.

(b) An outgoing member may, if otherwise qualified, be re-elected or re-appointed.

(3) Notwithstanding the expiration of the term mentioned in sub-section (2), an appointed or elected member shall continue to hold office until the vacancy caused by the expiration of the said term has been filled, provided that no vacancy shall be allowed to remain unfilled for more than six months.

Removal of members.

8. (1) The State Government may, by notification, in the Official Gazette remove the Vice-Chairman or any member of the Board if he—

- (a) refuses to act or becomes incapable of acting as a member of the Board; or
- (b) is declared insolvent; or

- (c) is convicted of any such offence, or is subjected by a criminal court to any such order, as in the opinion of the State Government implies a defect of character which unfits him to continue to be a Vice-Chairman or member of the Board, provided that before the State Government notifies the removal of a member under this sub-section, the reason for his proposed removal shall be communicated to the member concerned and he shall be given an opportunity of tendering an explanation in writing;
- (d) without excuse, sufficient in the opinion of the State Government, is absent, without the consent of the Board, from more than four consecutive meetings of the Board.

(2) The State Government may fix a period during which any person so removed under clause (b) or (c) of sub-section (1) of this section shall not be eligible for re-appointment or re-election.

9. When the place of any member of the Board becomes vacant by his removal, resignation or death, a new member shall be appointed by the State Government:

Provided that if the place of any member elected by the Legislative Assembly of Himachal Pradesh becomes vacant, that Assembly shall elect another member, in his place, election being in accordance with the principle of proportional representation by means of the single transferable vote:

Provided further that any person so appointed under this section shall be subject to retirement at the same time as if he had become a member of the Board on the day on which the member of the Board in whose place he is appointed was last appointed a member of the Board:

Provided further that no act of the Board or of its officers shall be deemed to be invalid by reason only that the number of members of the Board at the time of performance of such act was less than the number provided by section 3.

10. The members of the Board and the members of committees, which may be appointed by the Board, when necessary, shall be paid travelling allowance of the prescribed amount and on the prescribed conditions for attending meetings of the Board, or for performing any duty assigned to them by the Board for the purposes of this Act.

11. (1) The Chairman or, in his absence, the Vice-Chairman shall preside at every meeting of the Board, and shall have a second or casting vote in all cases of equality of votes.

(2) In the absence of both the Chairman and the Vice-Chairman, the members present at any meeting may elect one of the members to preside, who shall have a second or casting vote in all cases of equality of votes.

12. No member of the Board shall vote on any question coming before the Board for consideration in which (otherwise than in its general application to all persons and properties within the State) he has a pecuniary interest.

Explanation.—In case of any question arising whether a member has or has not a pecuniary interest, the decision of the Chairman shall be final.

13. (1) The Board may make regulations, consistent with this Act and the rules made thereunder, for the carrying out of all or any of its purposes.

(2) In particular and without prejudice to the generality of the foregoing power, the Board may make regulations regulating or determining all or any of the following matters, namely:—

- (i) the time and place of its meetings;

Casual
vacancies.

Allowances
and fees.

President
at meetings.

Interested
members
not to vote.

Power of
Board to
make regu-
lations.

- (ii) the manner in which notice of meetings shall be given;
- (iii) the conduct of proceedings at meetings;
- (iv) the division of duties among the members of the Board; and
- (v) the appointment, duties and procedure of special committees consisting wholly of members of the Board or partly of such members and partly of other persons.

Supersession of Board.

14. (1) If at any time it appears to the State Government that the Board is not properly performing the duties imposed upon it by or under this Act, the State Government may, after considering any explanation offered by the Board, by an order in writing specifying the reasons for so doing, dissolve the Board and direct that the vacancies shall thereupon be filled by election in respect of elected members and by appointment in respect of appointed members in the manner indicated above.

(2) From the date of an order under sub-section (1) until the vacancies are filled, all powers and duties of the Board shall be exercised and performed by such person in such manner as the State Government may direct.

Duty of Board.

15. It shall be the duty of the Board—

- (a) to report to the State Government, after such enquiry, if any, as it deems necessary or as may be required by this Act, on applications for State aid that may be referred to it for advice by the State Government or any officer authorised in this behalf by it; and
- (b) to advise the State Government on any matter that may be referred to it:

Provided that the State Government shall not sanction State aid without reference to the Board except in the case of a loan the amount of which does not exceed Rs. 30,000.

Documents and reports to be furnished to the State Government.

16. If the State Government so directs, the Secretary shall forward to the State Government any document and prepare and submit any report relating to the work of the Board.

CHAPTER III

GENERAL PROVISIONS REGARDING THE GIVING OF STATE AID

Forms of State aid.

17. The forms of State aid which may be given may include the following, namely:—

- (a) the grant of a loan;
- (b) the grant, sale or lease on favourable terms, of land, raw-material, water or any other property or right vested in the State Government for the purposes of the State Government;
- (c) the guarantee to the cash credit, overdraft or fixed advance with a Bank;
- (d) the supply of machinery on the hire-purchase system;
- (e) the guarantee of a minimum return on the whole or part of the capital of a joint stock company for a period fixed in accordance with the rules made under this Act;
- (f) under-writing the issue of stock, shares, bonds or debentures by the limited joint stock company;
- (g) the acquisition of shares or debentures, provided that the amount paid by the State Government for such shares or debentures shall not exceed the amount already paid by another person for shares and debentures in the same industry;

- (h) the grant, free of charge, on favourable terms, of the services of experts or persons in the service of the State Government for starting or advising an industry;
- (i) the payment of subsidy—
 - (i) in the case of any large-scale or medium-scale industry for the conduct of research;
 - (ii) in the case of any small-scale industry for one or more of the following purposes, namely:—
 - (a) purchase of land, machinery and equipment;
 - (b) the construction of factory building, godowns, water supply, ware-houses;
 - (c) the making of technical improvements in the machinery in actual use in the industry;
 - (d) the employment of sufficient managerial and supervisory personnel for a limited period;
 - (e) the training of workers employed in the industries;
 - (f) the conduct of research; and
 - (g) supply of electric energy at concessional rate from a source which is the property of the State Government, in a manner prescribed in the rule.

18. State aid may be given to—

- (a) a new or nascent industry; or
- (b) an industry to be newly established in an area where such industries are undeveloped; or
- (c) a cottage industry or village industry; or
- (d) an industry which needs revival, or development by modern methods.

Industries
to which
several
forms of
State aid
may be
given.

19. Applications for State aid shall be made to the Director in such form, and shall contain such information, as may be prescribed.

Applications
for State
aid.

CHAPTER IV

PROVISIONS REGULATING THE GIVING OF STATE AID OTHERWISE THAN BY THE SUPPLY OF MACHINERY ON THE HIRE-PURCHASE SYSTEM

20. Loans granted under this Chapter shall be subject to the sanction of the State Government given after consultation with the Finance Department, provided that in regard to loans not exceeding a prescribed amount, the State Government may make rules delegating its powers to such authority or officer as it deems fit.

Power to
grant loans.

21. (1) (a) On the acceptance of an application for a loan, the applicant shall execute a deed in the prescribed form, undertaking to apply the loan to the purpose for which, and to fulfil the conditions on which, the loan was granted, rendering himself and such property as may have been specified in the deed as security, including machinery purchased, or any building constructed, with the aid of the loan and in the event of such property being found insufficient, rendering the whole of his property liable for the repayment of the loan with interest and costs, if any, incurred by the State Government in making or recovering the loan.

Security
for re-pay-
ment.

(b) No transfer, assignment or charge made or created after the execution of the deed, in relation to the property specified therein or machinery purchased or building constructed with the aid of loan, shall be valid against

the State Government unless it has been made or created with the previous consent in writing of the authority sanctioning the loan.

(2) When the application has been made by a firm or company, the deed shall be executed by a duly authorised representative thereof, and the deed shall thereupon be deemed binding on the said firm or company and the property of the said firm or company shall be liable for the repayment of the loan in the same manner as if the loan had been granted to an individual.

Loan how repayable.

22. The loan together with all interest due thereon, if any, shall be repayable either in a lump sum or by instalments as may be provided for in the deed executed by the borrower under section 21.

Notice to pay.

23. (1) When any loan or instalment or interest thereon falls due and is not paid on or before the due date or when a loan has been declared immediately repayable under section 27, the officer empowered by the State Government in this behalf may cause to be served on the borrower, a notice, in the prescribed manner, calling upon him to pay the sums due or to show cause within such time as may be fixed therein.

(2) Such notice shall contain an intimation that in case of default the said officer will issue a declaration in a prescribed form showing the amount of the debt due and the property mentioned in the deed as liable to satisfy the same.

Effect of declaration.

24. (1) If, within the time so fixed, the sums due are not paid or no cause is shown to the satisfaction of the officer empowered under section 23, the said officer may issue the declaration as described in sub-section (2) of the same section, and such declaration shall be published in the Official Gazette.

(2) Such declaration shall be conclusive evidence of its contents, and shall not be called into question in any court by the borrower, his heirs, legal representatives or assigns, or by any member of his family if he belongs to a Joint Hindu family nor shall any right, principle or rule arising from or under the personal or customary law applicable to the said persons or any of them affect the validity or effectiveness of a mortgage executed or of a declaration published under this Act, or the procedure therein provided for enforcement thereof.

(3) Such declaration may be produced by the said officer, or by such other person as he may either generally or specially appoint in this behalf, before the principal civil court of original jurisdiction within the local limits of whose jurisdiction any of the property liable for the debt due is situated, in the same manner as a decree of which execution is sought.

Execution of declaration.

25. When declaration has been received by a civil court under section 24, the court shall immediately attach the property mentioned in the declaration and shall pass an order directing that, unless the amount mentioned in the declaration is paid within such time, not exceeding two months, as the court may consider reasonable, it may be recovered by sale of the property mentioned in the declaration as if it were a decree for the payment of money passed by the said court in the exercise of its ordinary civil jurisdiction.

Inspection and returns.

26. In any case in which an application for a loan has been made under this Chapter, the applicant and, at any time during the currency of a loan that has been granted, the borrower shall be bound:—

- (a) to comply with any general or special order of the Director relating to the inspection of the premises, building, machinery and stock-in-hand of the industry;
- (b) to permit the inspection of all accounts relative to the industry;

- (c) to furnish full returns of all products manufactured or sold, both as regards description and quantity;
- (d) to maintain such special accounts and to furnish such statements as the Director may, from time to time, require; and
- (e) to submit the accounts of the industry to such audit as the Director may prescribe.

27. If the Director, after any inspection provided for in section 26, is not satisfied that the money lent is being applied to the purpose or purposes for which the loan was granted or that the conditions on which the loan was granted are being duly fulfilled, he may declare, notwithstanding anything contained in the deed executed under section 21, that the loan is immediately repayable and shall give notice of such declaration to the borrower.

Penalty for default in applying the loan.

28. If at any time during the currency of the loan, the value of the security falls below the outstanding balance of the loan, the Director may either proceed to recover in the manner laid down in sections 23, 24 and 25 so much of such balance as is not adequately covered by the then existing value of the security or accept such additional or collateral security as he may deem sufficient.

Power to adjust security during currency of loan.

29. If the borrower fails to comply with any order under clause (a) of section 26 or does not permit or obstructs the inspection of the accounts relative to the industry or makes default in respect of any of the particulars specified in clauses (c), (d) and (e) of the said section, or if the borrower disposes of any profits in contravention of the provisions of section 33, the Director may, after considering any representation the borrower may make within such time as the State Government may allow in this behalf, proceed to recover the loan in the manner laid down in sections 23, 24 and 25.

Power to recover loans.

30. Within 15 days of the receipt of a notice under sections 27, 28 and 29, the borrower may appeal against such order to the State Government and the decision of the State Government thereon shall be final.

Appeal.

31. The conditions of a guarantee by the State Government of a minimum return on the whole or part of the capital or a joint stock company shall be—

**Govern-
ment
guarantee
of a mini-
mum
return.**

- (a) that the industry shall be subject to the conditions of section 26 in respect of inspection, returns and accounts;
- (b) that a minimum portion of the authorised capital of the industry to be fixed according to the circumstances of each case has been subscribed and paid in cash;
- (c) that no such guarantee shall, in any case, extend beyond a period of 5 years;
- (d) that during the period to which the guarantee extends, the State Government may impose on such persons as it considers to be directly concerned in the promotion of the company, a condition that if they transfer any of their shares without the consent of the State Government, they shall be liable jointly and severally to refund to the State Government any sums paid to the company in fulfilment of the guarantee;
- (e) that the State Government shall be entitled to recover the whole or any part of the sum paid by the State Government on account of such guarantee with interest at the rate in force on the date of the agreement for loans granted under the Land Improvement Loans Act, 1883, at any time after such period as may have been laid down in the agreement, provided that the State Government is satisfied that the company is paying or is able to pay interest

or a dividend upon the capital shown as paid up in excess of such rate as may be fixed in the agreement and such recovery shall be made in the manner laid down in sections 23, 24 and 25:

Provided that the sum recoverable by the State Government in any one year shall not exceed a sum equal to half the net profits made by the company in the preceding year in excess of the sum required for the payment of interest or dividend at the rate fixed in the agreement.

Subsidies.

32. A subsidy to an industry as per clause (i) of section 17 may be granted by the State Government on such conditions as may be prescribed in this behalf.

Disposal of profits when conditions on which State aid is given are not fulfilled.

Government control of aided industry.

Method of recovery of money due.

33. No borrower shall pay any dividend or distribute or take any profits in excess of such percentage rate upon the amount of the capital of the industry as the State Government may, from time to time, fix, until the conditions on which the State aid has been granted are fulfilled.

34. Notwithstanding anything contained elsewhere in this Chapter, the State Government may, by the appointment of its own directors or otherwise, exercise such control over the conduct of the industry to which the State aid has been given as shall suffice, in its opinion, to safeguard its interests, provided that such right has been expressly reserved by agreement at the time the aid was granted.

35. Notwithstanding anything contained in sections 23, 24 and 25, any amount payable to the State Government under this Act including interest chargeable thereon and costs, if any, incurred, may, with the previous sanction of the State Government, be recovered as arrears of land revenue.

CHAPTER V

SUPPLY OF MACHINERY ON HIRE-PURCHASE SYSTEM

Percentage of cost to be deposited by hirer.

Particulars to be specified in order when application is allowed.

Conditions of supply of machinery on hire-purchase system.

36. No machinery shall be supplied by the State Government on the hire-purchase system unless the applicant therefor deposits with the Director such percentage of the cost thereof as may be prescribed, and furnishes security for the unpaid portion of such cost in the same manner as for a loan granted under the provisions of Chapter IV.

37. When an application is allowed, the Director shall, subject to, and in accordance with, any rules that may be made under this Act, make an order specifying the following particulars, namely:—

- (a) the amount of each instalment of rent to be paid for the hire of the machinery and the number of such instalments to be paid before the machinery shall become the property of the hirer;
- (b) the amount of interest, if any, to be paid with each instalment of rent on the remaining unpaid instalments;
- (c) the dates on which, and the manner in which, the aforesaid payments shall be made; and
- (d) such other particulars as may be prescribed.

38. Until the hiring is terminated in the manner hereinafter provided, the following provisions shall apply, namely:—

- (a) the hirer shall pay punctually and without demand the instalments of rent and amount of interest specified in the order referred to in section 37;

- (b) the hirer shall retain the machinery in his own possession in good and serviceable order and condition and shall not, without the previous written consent of the Director, make any addition thereto or alteration therein, nor remove the machinery or any part thereof from the premises specified in the application for the supply thereof;
- (c) the machinery shall remain the sole and absolute property of the State Government and any transfer thereof or assignment of any right, title or interest therein or the creation of any mortgage, encumbrance or any other charge thereon by the hirer shall be void as against the State Government unless it has been made with the previous written consent of the Director;
- (d) the machinery shall not be liable to distraint, attachment or sale by any process under any law for the time being in force, otherwise than under this Act;
- (e) the machinery shall bear a metal plate in the prescribed form, and any person who wilfully removes or defaces such plate shall be liable to a fine not exceeding five hundred rupees. It shall be presumed, until the contrary is proved, that machinery bearing such metal plate is the property of the State Government hired out under this Chapter;
- (f) the hirer shall permit the Director or any person authorised by the Director in this behalf to inspect the machinery at all reasonable times, and the Director or such other person shall have all such powers of entry as may be necessary for the purpose of making an inspection; and
- (g) in addition to the foregoing conditions, the hirer shall be bound by such other conditions consistent therewith as may be prescribed by rules made under this Act, or may be imposed by the Director in any particular case.

39. If the hirer makes default in paying the rent of the machinery or any sum payable as interest or any other charges due from him under this Chapter or fails to comply with any of the conditions which are contained in, or may be imposed under, section 38, the Director may, after giving him 16 days notice, terminate the hiring and he or any other officer authorised by him in this behalf may thereupon enter the premises in which the machinery is for the time being kept, whether such premises belong to the hirer or not, and seize and take away the same.

Consequen-
ce of default
by hirer.

40. (1) If the machinery is seized and taken away under section 39, the hirer shall have the option to be exercised within one month after such a seizure or such longer period as may be allowed by the Director in this behalf, of purchasing the same by payment to the Director, of the unpaid balance of the cost thereof together with such other amount as may be due, and the cost of, and expenses incidental to, such seizure and removal.

Option of
hirer to
purchase
machinery
seized for
default.

(2) If, within the period specified in sub-section (1), the hirer does not exercise the option of purchase, the Director shall proceed to dispose of the machinery.

41. If the Director terminates the hiring under section 39 and the hirer does not purchase the machinery under section 40, the hirer shall not be entitled to the refund of the sum deposited by him under section 36 or to the refund or remission of any payment made by or due from him during the hiring, and shall be liable to pay such amount, if any, as the Director may determine in respect of any loss caused by the disposal of the machinery under sub-section (2) of section 40.

Liability of
hirer on
termination
of hiring
under
section 39.

Termination of hiring on payment of cost of machinery.

42. When, after credit has been given for the amount deposited under section 36, the hirer has paid in full all the instalments of rent mentioned in clause (a) of section 37 and the amount of interest, costs and other charges payable by him under this Chapter, he shall become the owner of the machinery and shall thereupon remove from the same the metal plate mentioned in clause (e) of section 38:

Provided that if, at any time during the hiring, the hirer pays in advance the remaining instalments of rent, the interest payable in respect thereof shall be remitted.

43. If the hirer wilfully omits, after receiving due notice, to remove the metal plate from any machinery which has become his property under section 42, he shall be liable to a fine not exceeding fifty rupees.

Penalty for non-removal of metal plate from machinery.

Sums due under this Chapter recoverable as loans under Chapter IV.

44. All sums payable under this Chapter shall be recoverable in the same way as loans under Chapter IV.

Finality of decision of State Government and bar of suits and proceedings in civil and criminal courts.

Power to make rules.

CHAPTER VI

SUPPLEMENTAL

45. (1) The decision of the State Government as to whether the conditions laid down in or under any of the provisions of this Act have been satisfied, shall be final, and no suit shall be brought in any civil court to set aside or modify any order made thereunder.

(2) No prosecution, suit or other proceeding shall lie against any Government officer or other authority vested with powers under this Act for anything in good faith done or intended to be done thereunder.

46. (1) The State Government may, after previous publication, make rules, consistent with this Act, for the carrying out of all or any of its purposes.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules regulating or determining all or any of the following matters, namely:—

- (a) regulating the travelling allowance under section 10;
- (b) the manner of making application for State aid under section 19;
- (c) the delegation of power to give loans under section 20;
- (d) the form of deed to be executed under section 21;
- (e) the nature and amount of the security to be taken under sections 21 and 36 for the due application and repayment of the State aid or rents together with all interest due thereon, if any, and the rate of interest at which and the conditions under which State aid may be granted:

Provided that where the security consists whole or in part of the premises, machinery, stock, stores or other property, present or future, movable or immovable, of the industry concerned, then the whole of such property, present and future, movable and immovable, may be made liable for the recovery of the loan and all interest due thereon, if any;

- (f) the inspection under section 26 of the premises, buildings, machinery and stock-in-hand and the mode of keeping and auditing the account and of furnishing returns of any industry in respect of which State aid has been given;

- (g) the manner in, and the place at, which notices or order may be served on any borrower;
- (h) the form of the declaration to be used under section 24;
- (i) the fixing of the period for the repayment of loans;
- (j) the application under section 33 of profits in the case in which the conditions on which State aid has been given, have not been fulfilled;
- (k) the appointment and functions of directors appointed by the State Government under section 34 and the prescribing of other methods of control of industries to which State aid has been given;
- (l) the percentage of the cost of machinery to be deposited under section 36;
- (m) the additional particulars to be specified in the order referred to in section 37 and the conditions on which machinery may be supplied on the hire purchase system;
- (n) the form of the metal plate referred to in clause (e) of section 38;
- (o) the form of notice under section 39;
- (p) the recovery of any sums payable under this Act; and
- (q) all other matters pertaining to the working of this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

47. (1) The Punjab State Aid to Industries Act, 1935, as in force in Himachal Pradesh is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken, including any orders and notifications issued or rules made in exercise of the power conferred by or under the repealed Act, shall, to the extent of being consistent with the provisions of this Act, be deemed to have been done, taken, issued, or made, in exercise of the powers conferred by or under the corresponding provisions of this Act.

(3) All the loans granted or deemed to have been granted under the Act repealed under sub-section (1) and all documents executed in connection therewith shall be deemed to have been granted and executed under the provisions of this Act and the rules made or deemed to have been made thereunder, and the recovery thereof shall be effected accordingly.

STATEMENT OF OBJECTS AND REASONS

At present, the Punjab State Aid to Industries Act, 1935, the object of which is to encourage the development of industries by the grant of State aid, is in force with different modifications and provisions of law, in the two different areas of Himachal Pradesh, viz., the areas transferred to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 and the areas comprised in Himachal Pradesh immediately before 1st November, 1966. With a view to bringing about uniformity in the pattern of State aid throughout Himachal Pradesh, it is necessary to have a unified law on the subject for the whole of Himachal Pradesh, by repealing the Punjab Act. This Bill seeks to achieve the object.

SIMLA:
The 29th November, 1968.

PADAM DEV,
Forest Minister.

FINANCIAL MEMORANDUM

This Bill is solely intended to bring about unification in the matter of law relating to State aid to Industries as at present in force in the old and the transferred areas of Himachal Pradesh.

Clause 10 of the Bill provides that members of the Board and the members of Committees, which may be appointed by the Board, when necessary, shall be paid travelling allowance of the prescribed amount and on the prescribed conditions for attending meetings of the Board of Industries to be constituted under clause 3(1) of the aforesaid Bill or for performing any duty assigned to them by the Board for carrying out the purposes of the Bill. Since similar provisions exist under section 10 of the Punjab State Aid to Industries Act, 1935 and also under section 10 of the Punjab State Aid to Industries Act, 1935 as modified and applied to the Union territory of Himachal Pradesh and since the same pattern has been adopted in the Bill in respect of the grants of State aid, there will be no additional expenditure. Instead, the State Government may incur less expenditure due to the reduction in the number of members of the Board as there will be only one Board instead of two at present.

MEMORANDUM ON DELEGATED LEGISLATION

Clause 46 of the Bill empowers the Government to make rules in respect of the matters enumerated therein. These rules will be made after previous publication and shall be laid, as soon as may be after they are made, before the Legislative Assembly. Similarly, clause 13 empowers the Board to make regulations consistent with this Bill and the rules thereunder for carrying out all or any of its purposes particularly those mentioned in sub-clause (2) of that clause.

RECOMMENDATIONS OF THE ADMINISTRATOR UNDER SECTION 23 OF THE GOVERNMENT OF UNION TERRITORIES ACT, 1963

(Industries Department File No. 51-269/67-Ind.)

The Administrator (Lieutenant Governor) having been informed of the subject matter of the Himachal Pradesh State Aid to Industries Bill, 1968, recommends under section 23 of the Government of Union Territories Act, 1963, the introduction of the Bill in the Legislative Assembly.

Bill No. 48 of 1968

THE HIMACHAL PRADESH MECHANICAL VEHICLES
(BRIDGE TOLLS) BILL, 1968
(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A
BILL

to provide for the levy and collection of tolls on mechanical vehicles crossing certain bridges in Himachal Pradesh.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Mechanical Vehicles (Bridge Tolls) Act, 1968.

Short title,
extent and
commencement.

(2) It shall extend to the whole of Himachal Pradesh.

Definitions.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(a) "bridge" means a bridge specified in the first schedule annexed to this Act and such other bridge as may, from time to time, be notified by the State Government in this behalf;

(b) "mechanical vehicle" means any laden or unladen vehicle designed to be driven under its own power including a motor vehicle as defined in clause (18) of section 2 of the Motor Vehicles Act, 1939, but does not include a cart or a bicycle;

(c) "notification" means notification published under proper authority in the Official Gazette;

(d) "Official Gazette" means the Rajpatra, Himachal Pradesh;

(e) "State Government" or "Government" means the Government of Himachal Pradesh; and

(f) "Toll Inspector" means the person authorised by the State Government to collect toll in respect of any mechanical vehicle crossing a bridge, and includes every Government servant posted at a bridge in connection with the collection of toll.

Rate of toll
and its pay-
ment.

3. (1) There shall be levied and paid to the State Government on every mechanical vehicle specified in column 2 of the second schedule to this Act, crossing a bridge, a toll at the rate specified against each mechanical vehicle in column 3 thereof:

Provided that no toll shall be levied on Defence Services vehicles and vehicles belonging to the personnel of Diplomatic Missions in India, and such other mechanical vehicles or class of mechanical vehicles as the State Government may, by general or special order, exempt from such levy.

(2) The Government shall have the power to amend, by notification, the second schedule. Such amendment shall, as soon as may be after it is made, be placed before the Legislative Assembly.

(3) Every person incharge of a mechanical vehicle shall, for crossing a bridge, pay to the Toll Inspector posted at the bridge, the toll and shall obtain a receipt from him in token of having paid the amount thereof.

(4) Such receipt shall be shown to the Toll Inspector posted at the other end of the bridge.

(5) In case of personal vehicles like cars, scooters and motor-cycles, used for non-commercial purposes, the Government may accept a lump sum in lieu of the toll chargeable in the manner prescribed.

**Power of
Toll Inspector.**

4. The driver of a mechanical vehicle shall cause the vehicle to stop when required to do so by the Toll Inspector to enable him to carry out any duties imposed on him by or under this Act.

**Offences and
penalties.**

5. (1) Whosoever,—

- (a) attempts to cross any bridge without complying with the provisions of this Act, or
- (b) obstructs the Toll Inspector in the discharge of his duties imposed by or under this Act, or
- (c) contravenes any other provision of this Act or the rules made thereunder or any order or direction made under any such provision or rule,

shall be liable, on conviction, to a fine which may extend to fifty rupees.

(2) No Magistrate shall take cognizance of any offence under this Act except on a complaint, in writing, made by the Toll Inspector.

**Bar to pro-
ceedings.**

6. No suit, prosecution or other legal proceeding shall lie against any person, authorised to act by or under this Act, for anything done, or purporting to have been done, in good faith, under this Act or the rules made thereunder.

**Exclusion of
jurisdiction
of Civil
Courts.**

7. No Civil Court shall have jurisdiction in any matter which the State Government, or any other person or authority, is empowered under this Act or the rules made thereunder to dispose of or take cognizance of, and regarding the manner in which the State Government or such person or authority exercises any power vested in it or him by or under this Act or the rules made thereunder.

**Power to
make
rules.**

8. (1) The State Government may, by notification, make rules, consistent with this Act, for securing the levy and collection of toll and generally for carrying out the purposes of this Act.

(2) The rules under sub-section (1) shall, as soon as may be after they are made, be placed before the Legislative Assembly.

**Repeal and
savings.**

9. The Punjab Mechanical Vehicles (Bridge Tolls) Act, 1957, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, is hereby repealed:

Provided that anything done or any action taken or any proceedings commenced or continued under the said Act, shall be deemed to have been done, taken, commenced or continued under the corresponding provision of this Act.

1 of 1958

31 of 1966

THE FIRST SCHEDULE

[See Section 2(a)]

1. Swan Nadi bridge on Hoshiarpur-Una Road,
2. Dera Gopipur bridge on Jullundur-Hoshiarpur-Dharamsala Road.

THE SECOND SCHEDULE

(See Section 3)

RATES OF TOLL

Serial No.	Particulars or the type of vehicle on which toll is leviable	Rate of Toll (In rupees)		
		Outward journey	Return journey if completed by the midnight of the following day on presentation of the original receipt of payment of toll for the outward journey	
1	2	Rs.	Rs.	3
1.	Motor truck, tractor carrying trailor and motor-bus when—			
	(a) laden with goods/passengers ..	3.00	3.00	
	(b) unladen ..	2.00	0.50	
2.	Light motor vehicle, such as jeep, car, pick-up van, tractor, station-wagon, delivery van, motor tri-cycle, viz., motor-rickshaw including scooter-rickshaw ..	2.00	0.50	
3.	Motor bicycle, including scooter with or without side car ..	1.00	0.25	
4.	Trailor attached to truck when—			
	(a) laden with goods ..	1.50	1.50	
	(b) unladen ..	1.00	0.25	
5.	Trailor attached to motor-car, pick-up van, jeep, land-rover, station-wagon when—			
	(a) laden with goods ..	0.75	0.25	
	(b) unladen ..	0.50	0.20	
6.	Any other mechanical vehicle not herein specifically provided for ..	3.00	3.00	

STATEMENT OF OBJECTS AND REASONS

The Punjab Mechanical Vehicles (Bridge Tolls) Act, 1957, which provides for the levy and collection of tolls on mechanical vehicles crossing certain bridges, is in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966. But there is no such law in force in the areas comprised in Himachal Pradesh immediately before the 1st November, 1966. The result is that while in one part of the Pradesh, toll-tax on bridges is levied, in the other, there is no such tax. In order to have uniformity in respect of bridge tolls and to enable the Government to levy toll-tax on bridges in the old Himachal Pradesh areas also, it is proposed to have a uniform law for the whole of Himachal Pradesh, and this Bill seeks to achieve this object.

KARAM SINGH,
Finance Minister.

SIMLA:
The 29th November, 1968.

FINANCIAL MEMORANDUM

There are, at present, two bridges, viz., Swan-Nadi bridge on Hoshiarpur-Una road and Dera-Gopipur bridge on Jullundur-Hoshiarpur-Dharamsala road, on which the toll-tax is levied. The expenditure during 1967-68 on the staff etc., engaged for the collection of toll-tax at these two bridges, was Rs. 10,430 and Rs. 10,690 respectively. Against this expenditure, the income from the toll-tax levy on these bridges during the same year, was Rs. 60,260 and 81,610 respectively, giving a net gain of Rs. 49,830 and Rs. 70,920 annually to the State exchequer. When, in due course of time, more bridges are included in Schedule I by the issue of notification under clause 2(a), the expenditure on each such bridge is likely to be almost to the extent indicated above. The income from the levy of the toll-tax will, however, vary on each bridge depending upon the intensity of traffic.

MEMORANDUM ON DELEGATED LEGISLATION

Clause 8 of the Act empowers the Government to make rules for securing the levy and collection of toll and generally for carrying out the purposes of the Bill. These rules shall, as soon as may be after they are made, be placed before the Legislative Assembly as per provision contained in sub-clause (2) of clause 8. Similarly, clause 3(2) empowers the Government to amend the second schedule by means of a notification, and such amendment shall, as soon as may be after it is made, be placed before the Legislative Assembly.

RECOMMENDATIONS OF THE ADMINISTRATOR UNDER SECTION 23 OF THE GOVERNMENT OF UNION TERRITORIES ACT, 1963

(P.W.D. File No. P.W.G.—Toll Tax/68).

The Administrator, Himachal Pradesh, having been informed of the subject matter of the Himachal Pradesh Mechanical Vehicles (Bridge Tolls) Bill, 1968, recommends under section 23 of the Government of Union Territories Act, 1963, the introduction of the said Bill in the Legislative Assembly.